

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ABEL MONTOYA and ELVIS ESCOBAR, on their
own behalf and on behalf of others
similarly situated,

Plaintiffs,

ORDER
10-CV-4625(JS)(ETB)

- against -

RUSSO BROTHERS SERVICE CENTER, INC. and
ERNEST LAZIO,

Defendants.

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APPEARANCES

For Plaintiffs: Roman M. Avshalumov, Esq.
Helen F. Dalton & Associates, P.C.
69-12 Austin Street
Forest Hills, NY 11375

For Defendants: Thomas J. Stock, Esq.
Stock & Carr, Esqs.
88 Second Street
Mineola, NY 11501

SEYBERT, District Judge:

In this Fair Labor Standards Act ("FLSA") case, the Court initially declined to "so-order" the parties' stipulation of dismissal and directed the parties to submit their settlement agreement for the Court's review. (Docket Entry 11.) Upon its in camera review of the agreement, the Court concluded that there were too few facts to determine whether the settlement was fair and reasonable. (See Docket Entry 11.) The Court directed the parties to provide a further explanation of why the settlement was fair, and it specifically instructed them to

address whether the settlement should be confidential. (Id.) The parties provided some additional information; specifically, they indicate that the settlement amount is more than eighty percent of Plaintiffs' actual damages. (See Docket Entry 12.) The parties did not address confidentiality, however. FLSA settlements are "judicial documents" to which a right of public access is presumed, e.g., Wolinsky v. Scholastic Inc., No. 11-CV-5917, 2012 WL 2700381, at *4 (S.D.N.Y. July 5, 2012), and the Court will not approve the settlement in its current form. Within thirty days, the parties shall submit (a) further argument as to why confidentiality is warranted, (b) a revised agreement (to be filed on the Court's ECF docket); or (c) a status update.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: July 26, 2012
Central Islip, New York